

Article - Criminal Law

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§2–503.

(a) A person may not cause the death of another as a result of the person's negligently driving, operating, or controlling a motor vehicle or vessel while:

- (1) under the influence of alcohol; or
- (2) under the influence of alcohol per se.

(b) A violation of this section is:

- (1) homicide by motor vehicle or vessel while under the influence of alcohol; or
- (2) homicide by motor vehicle or vessel while under the influence of alcohol per se.

(c) (1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a felony and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$5,000 or both.

(2) (i) A person who violates this section, having previously been convicted under this section, § 2–209, § 2–210, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$10,000 or both.

(ii) For the purposes of application of subsequent offender penalties under subparagraph (i) of this paragraph, a conviction for a crime committed in another state or federal jurisdiction that, if committed in this State would constitute a violation of this section, § 2–209, § 2–210, § 2–504, § 2–505, § 2–506, or § 3–211 of this article, or § 21–902 of the Transportation Article, shall be considered a violation of this section.

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